IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 151 of 2006(R)

PETITIONER:

SUMATHI, P.D. TEACHER,
G.V.H.S.S., NELLILKKUTHU,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR
SRI.JIJO PAUL
SMT.SMITHA BABU
SRI.P.A.RAJESH
SMT.S.L.SYLAJA
SRI.DEEPTHI S.MENON
SRI.ABRAHAM SAMSON

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL
EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

BY SR. GOVT. PLEADER SRI. P.T. MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.151/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE GOVERNMENT ORDER NO.RT 3081/03/GE DT. 4.8.03

EXT.P2 COPY OF THE G.O.(Rt) NO. 1072/02/GE DT. 6.5.02 ISSUED BY THE GOVERNMENT

EXT.P3 COPY OF THE G.O.(Rt) NO. 3115/01/GE DT. 10.8.01 ISSUED BY THE GOVERNMENT

EXT.P4 COPY OF THE PETITION DT. 21.10.03 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT

EXT.P5 COPY OF THE LETTER DT. 2.1.04 ISSUED BY THE FIRST RESPONDENT TO THE SECOND RESPONDENT.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 151 OF 2006

Dated this the 4th day of July, 2007

J U D G M E N T

Petitioner had availed of half pay for 83 days leave from June 7, 2001 to August 28, 2001 and leave without allowances for 215 days from August 29, 2001 to March 29, 2002 under Rule 82 and 88 of Part I KSR to pursue her B.Ed course. Leave was granted by the Government imposing certain conditions with a rider that the period of leave without allowances will not be counted for any service benefits including pension. Petitioner takes exception to the rider in Ext.P1 order. Learned counsel submits that the issue is squarely covered in favour of the petitioner in view of the judgment dated 22.2.06 passed by this Court in W.P.(C) No.26782/05.

The writ petition is disposed of with a direction to reconsider the matter in the light of the judgment referred to above and also strictly in accordance with law if the petitioner submits a representation within one month from the date of receipt of a copy of this judgment. A decision in the matter shall be taken within three months from the date of receipt of the representation, after hearing the petitioner. .

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007